

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARCELINO CHAVEZ SAUCEDO,)	
)	
Petitioner,)	CASE NO. C04-2344-RSM
)	
v.)	
)	ORDER OF DISMISSAL
GEORGE MORONES, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

The Court, having reviewed the Petition for Writ of Habeas Corpus, the Report and Recommendation (“R&R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections or responses thereto, and the remainder of the record, finds and ORDERS as follows:

(1) The Court ADOPTS the Report and Recommendation. While respondents object to Judge Theiler’s interpretation of 8 U.S.C. § 1226(c), they provide no new legal arguments in their objections that have not already been considered on the motion to dismiss, and even concede that Judge Theiler’s interpretation is plausible, albeit “not the best interpretation.” (Dkt. #22 at 2). Thus, this Court is not persuaded by respondents’ objections that there is any reason to reject the R&R.

(2) The Petition for Writ of Habeas Corpus (Dkt. #1) is GRANTED.

(3) This matter is REMANDED to the Seattle Immigration Court for the purpose of providing petitioner with an individualized bond hearing within 30 days of the date of this Order. The Immigration Judge is to determine, based on the standard set forth in INA § 236(a), whether, and

1 under what conditions, petitioner may be released from custody pending the habeas corpus
2 proceedings in this Court.

3 (4) Respondents' motion to dismiss (Dkt. #16) is DENIED.

4 (5) The Clerk shall send a copy of this Order to all counsel of record, and to the Honorable
5 Mary Alice Theiler.

6 DATED this 11 day of April, 2005.

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9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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